

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MICHAEL JONES,)	
)	
Plaintiff,)	
)	
vs.)	No. 3:08-cv-1134
)	JURY DEMAND
CITY OF FRANKLIN,)	
)	Judge Nixon
Defendant.)	Magistrate Judge Knowles

**JOINT MOTION TO RESCHEDULE TRIAL DATE
AND PRE-TRIAL FILING DEADLINES**

Come now the parties and file their Joint Motion to Reschedule the trial and pre-trial filing deadlines in the above styled cause of action. In support of their motion, the parties would show that the trial was rescheduled from April 27, 2010 to May 18, 2010 by order of this Court (Doc. 35). The parties request an order rescheduling the trial date for an additional ninety days for the following reasons:

1. The parties would show that William N. Bates, lead counsel for the defendant, City of Franklin, was informed on May 5, 2010 that he has been scheduled for surgery on Tuesday, May 11, 2010. His estimated hospital stay is four to five days and his estimated recovery time is three to four weeks; and,
2. The parties would further show that most of the witnesses that are expected to be called to testify at the trial of this matter are members of the Franklin Fire Department. Due to the recent flood of May 1, 2010, the City of Franklin is under a State of Emergency that is

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expected to last two to three weeks. All Franklin Fire Department personnel are required to remain on extended duty and will not be available for trial until the State of Emergency has been lifted, which is not expected to occur until after the scheduled trial date of May 18, 2010. In addition, the parties would show that the witnesses may not be available for trial preparation due to the current emergency situation and the work schedule they are currently under.

Wherefore, the parties respectfully request that an Order be entered continuing the jury trial and pre-trial filings of this matter to no earlier than ninety (90) days from the entry of this Order. The trial is expected to last three to four days. In addition, the parties agree that neither party will suffer any prejudice, undue burden or expense by rescheduling the trial date due to the foregoing reasons.

Respectfully submitted,

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